

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JOHN KOBECK,  
*on behalf of himself,*  
*FLSA Collective Plaintiffs, and Class Members,*

16-CV-8770 (VB)

*Plaintiff,*

*-against-*

ARMONK BRISTAL LLC, *et al.*,

**NOTICE OF  
ACCEPTANCE OF  
OFFER OF JUDGMENT**

*Defendants.*  
-----X

Pursuant to Rule 68(a) of the Federal Rules of Civil Procedure, opt-in Plaintiff NANCY S. NSHIEWAT hereby accepts and provides notice that she has accepted Defendant's Offer of Judgment to Plaintiff and Opt-in Plaintiffs dated August 22, 2017 and annexed hereto as Exhibit "A."

Dated: New York, New York  
September 18, 2017

Respectfully submitted,

By:

  
C.K. Lee, Esq.

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## Exhibit A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JOHN KOBECK, *on behalf of himself, FLSA Collective  
Plaintiffs, and Class Members,*

Plaintiff,

Case No. 7:16-cv-08770 (VB)

-against-

**OFFER OF JUDGMENT**

ARMONK BRISTAL LLC, ARMONK SENIOR CARE  
LLC, WOODCLIFF LAKE SENIOR CARE, LLC,  
WOODCLIFF LAKE BRISTAL LLC, SAYVILLE  
BRISTAL LLC, WESTBURY SENIOR LIVING INC.,  
LYNBROOK SENIOR CARE, LLC, EB AT  
HOLTSVILLE, LLC, LAKE GROVE SENIOR CARE  
LLC, EB CARE AT LAKE SUCCESS LLC, EB CARE  
AT WEST BABYLON LLC, ENGEL BURMAN AT  
JERICHO, LLC, ENGEL BURMAN AT ENGLEWOOD  
LLC, ENGEL BURMAN AT WAYNE LLC,  
ULTIMATE CARE ASSISTED LIVING  
MANAGEMENT LLC, JAN BURMAN, STEVEN  
KRIEGER, MARYELLEN MCKEON, LAURIE  
MUSTO, LORI MALONEY, and SAMANTHA  
KRIEGER,

Defendants.

-----X  
Defendant ULTIMATE CARE ASSISTED LIVING MANAGEMENT, LLC by and  
through its attorneys, Kaufman Dolowich & Voluck, LLP, offers to allow judgment to be taken  
against it by Plaintiff NANCY NSHIEWAT ("Plaintiff") for Three Thousand Six Hundred  
Sixteen Dollars and Nine Cents (\$3,616.09), inclusive of all claims for attorneys' fees and costs.

This judgment shall be in full satisfaction of all federal and state law claims or rights that  
Plaintiff may have to damages, or any other form of relief, including, but not limited to,  
compensatory damages, liquidated damages, civil penalties, interest, and attorneys fees, arising  
out of the alleged acts or omissions of Defendants ARMONK BRISTAL LLC, ARMONK  
SENIOR CARE LLC, WOODCLIFF LAKE SENIOR CARE, LLC, WOODCLIFF LAKE

BRISTAL LLC, SAYVILLE BRISTAL LLC, WESTBURY SENIOR LIVING INC., LYNBROOK SENIOR CARE, LLC, EB AT HOLTSVILLE, LLC, LAKE GROVE SENIOR CARE LLC, EB CARE AT LAKE SUCCESS LLC, EB CARE AT WEST BABYLON LLC, ENGEL BURMAN AT JERICHO, LLC, ENGEL BURMAN AT ENGLEWOOD LLC, ENGEL BURMAN AT WAYNE LLC, ULTIMATE CARE ASSISTED LIVING MANAGEMENT LLC, JAN BURMAN, STEVEN KRIEGER, MARYELLEN MCKEON, LAURIE MUSTO, LORI MALONEY, and/or SAMANTHA KRIEGER (collectively "Defendants") in connection with the facts and circumstances that are the subject of this action. This offer includes all costs and attorney's fees.

Acceptance of this offer of judgment will act to release and discharge Defendants; their successors or assigns; and all past and present officers, shareholders, employees, insurers, representatives and agents from any and all claims that were or could have been alleged by Plaintiff in the above-referenced action including, but not limited to, all claims arising under the Fair Labor Standards Act, New York Labor Law, and New Jersey Wage and Hour Law. Furthermore, as this offer is inclusive of costs and attorney's fees, acceptance of this offer shall resolve any and all claims for costs and attorney's fees by Plaintiff.

This offer is made pursuant to Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by Defendants nor is it an admission that Plaintiff has suffered any damages. If this offer is not accepted within fourteen (14) days after it is served, it shall be deemed withdrawn.

Dated: Woodbury, New York  
August 22, 2017

**KAUFMAN DOLOWICH & VOLUCK, LLP**

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